

REMARKS

Claims 1-21 were examined in the present application. Claim 10 has been rejected under the second paragraph of 35 U.S.C. § 112. Claims 1-5, 13-16 and 18-21 have been rejected under 35 U.S.C. § 102(b) over Sironi (U.S. Patent 3,783,572). Claims 1, 6 and 12 have been rejected under § 102(b) over Steel (U.S. Patent 3,932,976). Claims 1, 6-9 and 11 have been rejected under § 102(b) over Ting (U.S. Patent 4,316,351). Claim 17 has been rejected under 35 U.S.C. § 103(a) over Sironi. Claim 10 has been rejected under § 103(a) over Ting in view of Scott (U.S. Patent 3,594,028). Claims 2, 5, 7, 10, 12, 14-17 and 19-21 have been amended hereby. Claims 1, 6 and 18 have been cancelled hereby without prejudice. Reconsideration of the present application is respectfully requested in light of the above amendments and below remarks.

On page 2 of the Office Action, claim 10 has been rejected under the second paragraph of § 112. Applicants have amended claim 10 to correct the antecedent basis problem noted in the Office Action. This amendment to claim 10 does not narrow its scope. Withdrawal of the rejection of claim 10 under the second paragraph of § 112 is therefore respectfully requested.

On pages 3-4 of the Office Action, claims 1-5, 13-16 and 18-21 have been rejected under § 102(b) over Sironi (U.S. Patent 3,783,572). On pages 6- 7, claim 17 has been rejected under § 103(a) over Sironi. Claims 1 and 18 have been cancelled hereby without prejudice, thus rendering moot the rejection of these claims. Independent claims 2 and 19, the only independent claims pending in the present application have been amended to incorporate the limitation of cancelled claim 6. Specifically, claims 2 and 19 require that “each edge section comprises an attachment formation for attachment to a mating attachment formation on an adjacent constructional element.”

Sironi does not disclose the invention as defined in claims 2 and 19. In particular the limitation introduced into claims 2 and 19 from claim 6, namely that each edge section comprises an attachment formation for attachment to a mating attachment formation on an adjacent constructional element is neither taught or suggested by Sironi. In Sironi, as illustrated in Figure 3, two adjacent panels are attached to each other using a connecting member 16. Unlike the present invention as

recited in claims 2 and 19, the edge sections do not comprise attachment formation and mating attachment formations which themselves connect adjacent panels.

Withdrawal of the rejection of claims 2 and 19 and their dependent claims 3-5, 13-17 and 20-21 on the basis of Sironi is respectfully requested.

On pages 5-6 of the Office Action, claims 1, 6 and 12 have been rejected under § 102(b) over Steel (U.S. Patent 3,932,976). Applicants respectfully traverse this rejection. Claim 1 has been cancelled hereby without prejudice, thus rendering moot the rejection of this claim. The limitations of claim 6 have been incorporated into claim 2. Claim 2 requires “a plank profile defining a rear face and two opposed edge sections of the constructional element” and “a cladding material moulded into the plank profile such that it is retained by the rear face and the opposed edge faces. The Office Action points to element 17 as being the plank profile and element 10 as being the cladding. Applicant respectfully disagrees. As described at column 2, line 62 – column 3, line 3, element 10 refers the body panel itself and not a cladding. Further at column 3, lines 15-38, element 17 is described as being a sheet member that is bonded to the panel 10 and is clearly not the plank profile as claimed. Further, claim 2 requires that the plank profile “comprises at least one retaining formation shaped to retain the moulded cladding material attached to the plank profile.” There is no retaining formation on either elements 10 or 17 that are shaped to retain one on the other. As described in the above cited section of column 3, sheet member 17 and panel 10 are either “self-bonding” or are bonded via an adhesive.

As Steel does not teach or suggest any of these limitations of independent claim 2, a rejection of this claim on the basis of Steel would be inappropriate and withdrawal of the rejection of its dependent claim 12 is respectfully requested.

On pages 5-6, claims 1, 6-9 and 11 have been rejected under § 102(b) over Ting (U.S. Patent 4,316,351). Applicants respectfully traverse this rejection. Claim 1 has been cancelled hereby without prejudice, thus rendering moot the rejection of this claim. The limitations of claim 6 have been incorporated into independent claim 2. Independent claim 2 requires that “the cladding

material forming substantially an entire front face of the constructional element.” Support for this amendment to claim 2 can be found at least at page 3, lines 18-20 and Figures 1-4 of the present specification. Ting does not teach or suggest this feature of the present invention. As shown in Figures 1 and 2 of Ting, it discloses a sandwich type wall panel design in which an insulation material is sandwiched between two sheets 11 and 12. Thus the insulation material 13 identified in the Office Action as a cladding material does not form “substantially an entire front face of the constructional element” as required by claim 2. This insulation material 13 is hidden, buried, between the two sheets. There is no indication in Ting, whatsoever that the top half of it’s sandwich, element 11, could be removed. In fact, the structural integrity of the panel 10 would be severely degraded if this element were to be removed.

As Ting does not teach or suggest this open configuration of a constructional element as required by independent claim 2, a rejection of this claim on the basis of Ting would be inappropriate and withdrawal of the rejection of its dependent claims 7-9 and 11 is respectfully requested.

Further, the Applicants respectfully submits that it would not be obvious to arrive at proposed claims 2 or 19 by consideration of the attachment mechanisms as outlined in Steel or Ting. Steel and Ting both relate to "sandwich panels", in other words two facing metal panels which sandwich insulation materials therebetween. Such panels are commonly used in the construction of cold store rooms. Neither Steel nor Ting disclose panels which are provided with a retaining formation to retain the insulation materials therein. Further, these panels overlap or nest within one another to form a joint between corresponding panels. Steel and Ting do not relate to panels which could be used with a prefinished masonry finish as in the present invention. Accordingly, both references demonstrate no relevance to the present invention which is concerned with providing a decorative masonry panel that can be fixed directly and simply to a wooden or a steel frame without the use of any battens or shaped connecting member.

On page 7 of the Office Action, claim 10 has been rejected under § 103(a) over Ting in view of Scott. Applicants respectfully traverse this rejection. Claim 10 depends from, and therefore

includes all of the limitations of its base claim, independent claim 2. Scott does not cure any of the deficiencies of Ting as described above. Particularly, in Figures 1-3, Scott describes the sandwich type design of Ting and Steel. In Figures 4-8, Scott discloses a simple sheeting material that does not include any cladding. For the reasons stated above with respect to claim 2, withdrawal of the rejection of claim 10 on the basis of the combination of Ting and Scott is respectfully requested.

As each of the claims of the present application are currently in condition for allowance, such action is earnestly solicited.

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Respectfully submitted,

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